

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1) LINDA BURTON and	)	
2) CECIL BURTON,	)	
a married couple,	)	
Plaintiffs,	)	
	)	
vs.	)	No. 22-cv-00103-GKF- CDL
	)	
1) DOLLAR GENERAL and/or DOLGENCORP, LLC,	)	
and DOLLAR GENERAL STORE#13474,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441(b) and 1145, Defendant, Dollar General and/or Dolgencorp, LLC, and Dollar General Store #13474, hereby give notice of removal of Case No. CJ-2022-59 filed in the District Court of Rogers County, State of Oklahoma, to the United States District Court for the Northern District of Oklahoma. In further support, the Defendants, Dollar General and/or Dolgencorp, LLC, and Dollar General Store #13474 would state:

1. Section 1441(a) provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant...to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. §1441(a). Section 1332(a) provides that federal district courts “shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between...citizens of different States.” *Id.* §1332(a).

2. On February 4, 2022, Plaintiffs’ attorney commenced an action in the District Court of Rogers County, State of Oklahoma, by filing a Petition in Case No. CJ-2022-59, styled: *Linda*

*Burton and Cecil Burton, a married couple, Plaintiffs vs. Dollar General and/or Dolgencorp, LLC, and Dollar General Store #13474, Defendant.*

3. This action is one which may be removed to this Court pursuant to 28 U.S.C. § 1441(a) because, as set forth below, this action is between citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

4. In compliance with LCvR 81.2(a) of the Local Civil Rules for the U.S. District Court of the Northern District of Oklahoma, a copy of the State Court docket sheet is attached hereto. (Docket Sheet [Ex. 1]). In compliance with 28 U.S.C. § 1446(a), file-stamped copies of all the process, pleadings, and orders filed in State Court are also attached hereto. (Plaintiffs' Petition, [Exh. 2]; Summons served on Dollar General and/or Dolgencorp, LLC, [Exh. 3]; Plaintiffs' Entry of Appearance; [Exh. 4]; Defendant's Entry of Appearance [Exh. 5].

5. Plaintiffs are citizens of Rogers County, State of Oklahoma. Thus, for purposes of jurisdiction, Plaintiffs are citizens of Oklahoma.

6. Defendant, Dolgencorp, LLC, and Dollar General Store #13474, a foreign limited liability company, is a corporation duly organized and existing under the laws of the State of Kentucky and no other state, with its principal place of business in Tennessee, it is not a citizen of Oklahoma. Thus, for the purposes of jurisdiction, Defendant, Dolgencorp, LLC, and Dollar General Store #13474, are citizens of Tennessee. 28 U.S.C. 1332(c)(1).

7. Defendant, Dollar General, is a corporation duly organized and existing under the laws of the State of Kentucky and no other state, with its principal place of business in Tennessee, it is not a citizen of Oklahoma. Thus, for the purposes of jurisdiction, Defendant, Dollar General, is a citizen of Tennessee. 28 U.S.C. 1332(c)(1).

8. In their state court Petition, the Plaintiffs have asserted a claim for negligence arising from an incident at the Defendant's store located in Catoosa, Oklahoma. Plaintiff alleges that she was injured on November 9, 2021, while shopping in the Dollar General Store. The Plaintiffs assert in their Petition that Mrs. Burton fell over a rug, which was bunched up in front of the door on the inside of the store, and has suffered damages because of Dollar General's breach of duty. According to their Petition, the Plaintiffs are seeking judgment against the Defendants in an amount in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code, in addition to their attorney's fees and costs.

9. The aforesaid action was commenced by service of summons upon Defendants, on the 10<sup>th</sup> day of February, 2022, and this Notice of Removal is, therefore, timely filed under the provisions of 28 U.S.C. § 1446.

10. Pursuant to U.S.C. § 1446(d) copies of this Notice of Removal are being served on Plaintiffs' counsel and upon the District Court of Rogers County, Oklahoma.

**JURY TRIAL REQUESTED**

Respectfully Submitted,

By: S/Gary W. Farabough  
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Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I certify that, on the same date this Notice of Removal was filed in the United States District Court for the Northern District of Oklahoma, a true and correct copy of said Notice of Removal was served upon the above-named Plaintiff, by mailing said copies to Plaintiffs' Attorneys of Record, Gregory J. Denney, and Amanda L. Hinshaw, 1204 South Cheyenne Avenue, Tulsa, Oklahoma, 74119, and further that a copy of said Notice of Removal was delivered to Cathi Edwards, Court Clerk of Rogers County, 200 South Lynn Riggs Blvd., Claremore, Oklahoma, 74017-7808.

s/Gary W. Farabough  
Gary W. Farabough